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973.824.3225

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412.471.0690

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November 20, 2023

**Via ECF**

The Honorable Analisa Torres, District Judge  
United States District Court  
Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, NY 10007  
Torres\_NYSDChambers@nysd.uscourts.gov

**Re: Request for Extension of Time to file Local Civil Rule 56.1  
Statement**

**Service Employees International Union, Local 32BJ v. Allied  
Cleaning and Maintenance Corp. et al (1:23-cv-08403-AT)**

Dear Judge Torres:

Plaintiff Service Employees International Union, Local 32BJ ("Local 32BJ") requests an extension of time to serve and file its Rule 56.1 materials. The Court's Order granting Plaintiff's first request for an extension of time (ECF No. 28) provided the following deadlines:

1. Plaintiff shall serve and file its Rule 56.1 materials by November 28, 2023;
2. Defendants shall file their opposition papers by December 27, 2023; and
3. Plaintiff shall file its reply, if any, by January 10, 2023.

Plaintiff makes this second request for an extension of time due to the challenges of serving Defendant John Kiely around the Thanksgiving holiday. Service of the Complaint on Defendant Kiely was effected by the "nail and mail" method, which requires the process server to attempt service at Defendant Kiely's residence on three separate days. Plaintiff's process server, Lexitas, will be short staffed around the Thanksgiving holiday, making service difficult to achieve by November 28, 2023.

In addition, while no counsel has yet appeared by Defendants in this case, Mr. Robert A. Sparer of the law firm Clifton Budd & DeMaria, LLP has been in active settlement talks with Plaintiff. Mr. Sparer has represented to Plaintiff that while he does not represent Defendant John Kiely or any of the other Defendants, he has received the papers served on Defendant John Kiely and is in contact with him. Plaintiff made its most recent settlement counter proposal to Mr. Sparer on November 17, 2023.

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In light of the difficulties effecting service around the Thanksgiving holiday as well as the potential for settlement, Plaintiff respectfully requests extensions of the deadlines in the Court's October 30, 2023 Order (ECF No. 28) as follows:

1. Plaintiff shall serve and file its Rule 56.1 materials by December 19, 2023;
2. Defendants shall file their opposition papers by January 17, 2024;
3. Plaintiff shall file its reply, if any, by January 31, 2024.

Defendants have not consented to this request.

Sincerely,

/s/ Berto Elysee

Berto Elysee  
Counsel for Plaintiff

GRANTED.

SO ORDERED.

Dated: November 21, 2023  
New York, New York

  
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ANALISA TORRES  
United States District Judge